IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

Crl.Rev.Pet.No. 306 of 1998

S.T.NO.985/98 of JUDICIAL FIRST CLASS MAISTRATE-II, THIRUVANANTHAPURAM.
CRL.A.NO. 144.1998 OF THE VACATION JUDGE, THIRUVANANTHAPURAM

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REVN. PETITIONER:

CHELLAPPAN SASIDHARAN, FLAT TYPE QUARTERS,
NO.4, MEDICAL COLLEGE COMPOOUND,
THIRUVANANTHAPURAM.

BY ADV. SRI.B.S.SWATHY KUMAR

RESPONDENTS:

STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI.

BY PUBLIC PROSECUTOR PUZHAKKARA MUHAMMED.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 01/06/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO. 1529/1998 IN CRL.R.P.NO. 306/1998

DISMISSED.

1-6-2007 SD/-K.R.UDAYABHANU, JUDGE

TRUE COPY

P.S.TO JUDGE

K.R. UDAYABHANU, J.

CRL.R.P.NO.306 of 1998

DATED THIS THE 1ST DAY OF JUNE 2006

ORDER

The revision petitioner, who is the accused in S.T.No.985/1998 who stands convicted for the offence under Section 51(a) of Kerala Police Act and sentenced to undergo simple imprisonment for one month and to pay a fine of Rs.200/-, has sought for setting aside the orders of the courts below. The appeal was dismissed on the ground that the petitioner was convicted on a plea of guilty. The trial court also convicted him on the plea of guilty. It is pointed out that he was taken into custody and kept in the lock up for about four days and produced before the court below and that he had no legal assistance and that he pleaded guilty without being aware to the consequences that the punishment included mandatory imprisonment.

I find that the order of the court below contains no indication as to whether the plea was made voluntarily.

Evidently he had no legal assistance. There is nothing to show in the order that the consequence of the plea of guilty was made known to him. In the circumstances I find that the order of the courts below cannot be sustained. The same is set aside and the accused is acquitted. The Crl.revision petition is allowed.

Sd/-

K.R.UDAYABHANU, JUDGE

ks. **TRUE COPY**

P.S.TO JUDGE

K.R.UDAYABHANU, J

CRL.R.P.NO.306 OF 1998

ORDER

1-06--2007

K.R.UDAYABHANU,J.

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CRL.A.NO. OF 200

JUDGMENT

DATE: ……2006

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